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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA GORDON,)	
)	
Plaintiffs,)	No. C08-3630 BZ
)	
v.)	SPECIAL VERDICT
)	
THE BAY AREA AIR QUALITY)	
MANAGEMENT DISTRICT,)	
)	
Defendants.)	
_____)	

We the jury find the following Special Verdict on the questions submitted to us:

1. Did Plaintiff prove that her race was a motivating factor in her not being promoted to Supervising Environmental Planner in June of 2006?

Yes _____ No _____

If you answered yes, please proceed to the next question.
If you answered no, please proceed to Question 4.

2. Did Plaintiff prove that the decision not to promote her to Supervising Environmental Planner in June of 2006 was made by someone with final policymaking authority?

Yes _____ No _____

1 If you answered yes, please proceed to the next question.

2 If you answered no, please proceed to Question 4

3 3. Did Defendant prove that the decision not to promote
4 Plaintiff to Supervising Environmental Planner in June of 2006
5 was also motivated by a lawful reason, and that the same
6 decision not to promote her would have been made regardless of
7 her race?

8 Yes _____ No _____

9 Please proceed to the next question.

10 4. Did Plaintiff prove that her race was a motivating
11 factor in her not being promoted to Principal Environmental
12 Planner in February of 2007?

13 Yes _____ No _____

14 If you answered yes, please proceed to the next question.

15 If you answered no, please proceed to Question 6.

16 5. Did Defendant prove that the decision not to promote
17 Plaintiff to Principal Environmental Planner was also
18 motivated by a lawful reason, and that the same decision not
19 to promote Plaintiff would have been made regardless of her
20 race?

21 Yes _____ No _____

22 Please Proceed to the next question.

23 6. Did Plaintiff prove that her race or gender was a
24 motivating factor in her not being promoted to Supervising
25 Environmental Planner in August of 2007?

26 Yes _____ No _____

27 If you answered yes, please proceed to the next question.

28 If you answered no, please proceed to Question 8.

1 7. Did Defendant prove that the decision not to promote
2 Plaintiff to Supervising Environmental Planner in August of
3 2009 was also motivated by a lawful reason, and that the same
4 decision not to promote Plaintiff would have been made
5 regardless of her race or gender?

6 Yes _____ No _____

7 Please proceed to the next question.

8 8. Was retaliation for Plaintiff's protected activity a
9 motivating factor in her not being promoted to any of the
10 following positions?

11 Principal Environmental Planner (February 2007)

12 Yes _____ No _____

13 Supervising Environmental Planner (August 2007)

14 Yes _____ No _____

15 If you answered yes to any of the above, please proceed
16 to the next question.

17 If you answered no to all of the above, please proceed to
18 Question 10.

19 9. Did Defendant prove that the decision not to promote
20 her to any one or more of the positions listed below was also
21 motivated by a lawful reason, such that the same decision
22 would have been made regardless of her protected activity?

23 Principal Environmental Planner (February 2007)

24 Yes _____ No _____

25 Supervising Environmental Planner (August 2007)

26 Yes _____ No _____

27 Please Proceed to the next question.

10. Did Plaintiff prove that retaliation for her protected activity was a motivating factor in Defendant subjecting her to any other adverse employment action?

Yes _____ No _____

If you answered yes, please proceed to the next question.

If you answered no, please proceed to Question 12.

11. Did Defendant prove by a preponderance of the evidence that its decision to subject Ms. Gordon to any other adverse employment action was also motivated by a lawful reason and that it would have subjected Ms. Gordon to the same adverse employment action regardless of her protected activity?

Yes _____ No _____

Please Proceed to the next question.

12. If as to any one of her claims, you find that Plaintiff has proven the elements of that claim and Defendant did not prove that its conduct was also motivated by a lawful reason, and you find that Plaintiff suffered damages because of Defendant's conduct, please specify the amount of damages you award to Plaintiff.

Compensatory Damages: \$_____

Please sign and date the form.

Dated:

Jury Foreperson

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